

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION**

April 6, 1999

FROM: RANDY SCOTT, Planning Manager
Land Use Services Department/Planning Division

SUBJECT: COMPLIANCE WITH SUPERIOR COURT'S PEREMPTORY WRIT OF MANDATE ORDERING THE BOARD OF SUPERVISORS TO VACATE ITS NOVEMBER 19, 1996, DECISION APPROVING MODIFICATIONS TO THE PREVIOUSLY APPROVED CITRUS PLAZA PROJECT, AND RELATED ACTIONS; APPLICANT: MAJESTIC REALTY COMPANY; FILE/INDEX: PD/95-0005-07/E273-97/PDC/PDF/TPM14742/RM2

RECOMMENDATION: **VACATE AND SET ASIDE** the Board of Supervisors' November 19, 1996, actions to **APPROVE** modifications to the previously approved Citrus Plaza project PD/95-0005-07/E273-97/PDC/PDF/TPM14742, Redlands; **CERTIFY** a Supplemental Focused Environmental Impact Report (SCH #94082084); **ADOPT** Supplemental Findings and Facts in Support of Findings and Statement of Overriding Considerations; **ADOPT** Findings in support of the modifications; **ADOPT** a revised Mitigation Monitoring and Compliance Program and **FILE** a Notice of Determination.

BACKGROUND INFORMATION: On January 9, 1996, the Board of Supervisors took the following actions with respect to the Citrus Plaza project. The Board approved (A) a Preliminary Development Plan for a 125 acre regional mall with 1.85 million square feet of floor area, including a 50 acre "power center"; (B) a Final Development Plan for Phase I-Area A, consisting of 460,000 square feet of retail floor area including a 16-screen 3,700-seat movie theater on 49 acres and (C) Tentative Parcel Map 14742, a commercial parcel map creating 19 numbered lots and 3 lettered lots. No judicial challenge to those actions was filed within the applicable statute of limitations.

On November 19, 1996, the Board approved revisions to the project to allow on-site water supply and wastewater treatment, with the following actions: (A) approval of the revised Planned Development as a Concept Plan of the East Valley Corridor Specific Plan; (B) approval of a revised Preliminary Development Plan; (C) approval of a revised Final Development Plan for Phase I-Area A; (D) approval of Tentative Parcel Map 14742 with the revised conditions of approval; (E) adoption of Findings for approval of the project revisions; (F) certification of a Supplemental Focused Environmental Impact Report (SCH #94082084); (G) adoption of Supplemental Findings and Facts in Support of Findings and Statement of Overriding Consideration for the revised project; (H) adoption of a revised Mitigation Monitoring and Compliance Program; (I) filing of a Notice of Determination.

Record of Action of the Board of Supervisors

MAJESTIC REALTY COMPANY

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On December 16, 1996, the City of Redlands petitioned to the Superior Court for a writ of mandate to compel the County to set aside its November 19, 1996, actions, on various grounds. On September 24, 1997, Judge James A. Edwards entered judgment in the City's favor. On the same date, the court issued a peremptory writ of mandate, ordering the County to vacate the Board's November 19, 1996, actions relating to the Citrus Plaza. The County and Majestic Realty Company appealed. The appeal has been briefed, and the Court of Appeal has issued a tentative opinion upholding Judge Edwards' decision.

It is now recommended that the Board comply with Judge Edwards' decision and the court's peremptory writ of mandate by vacating the Board's November 19, 1996, actions with respect to Citrus Plaza. The result of this action will be that the January 9, 1996, approvals of the Citrus Plaza project and related actions will remain in effect. The recommended action may also have the effect of mooted the pending appeal.

REVIEW BY OTHERS: This item was reviewed by Deputy County Counsel Paul Mordy on March 16, 1999.

FINANCIAL IMPACT: N/A

SUPERVISORIAL DISTRICT(S): 3

PRESENTER: Randy Scott